

**WORTHINGTON CITY COUNCIL
REGULAR MEETING, JUNE 10, 2019**

The meeting was called to order at 7:00 p.m. in City Hall Council Chambers by Mayor Mike Kuhle with the following Council Members present: Alan Oberloh, Chad Cummings, Amy Ernst, Mike Harmon. Honorary Council Member: Scott Barber. Council Members absent: Larry Janssen (excused).

Staff present: Steve Robinson, City Administrator; Troy Appel, Public Safety Director, Todd Wietzema, Public Works Director; Dwayne Haffield, Director of Engineering; Jason Brisson, Director of Community Development, Planning, Zoning and Building Services; Janice Oberloh, City Clerk; Madison Stearns, Public Safety Department.

Others present: Leah Ward, The Globe; Len Bakken, JBS; Ben Weber, Mike Windsperger, Yellow Ribbon Regional Outreach Coordinator; Mark Hibma, Arnold Motors; Tibebu Yemeru, Gebremeden Dejen and Abebe Abetew, Ethiopian Orthodox Tewahedo Church, Ed Zepeda, McKinstry.

HONORARY COUNCIL MEMBER

Mayor Kuhle introduced and welcomed Scott Barber as the Honorary Council Member for the months of June, July and August, 2019.

AGENDA CLOSED / APPROVED WITH CHANGES

Mayor Kuhle noted the additions of two items to the agenda: E.3.a.7. *Additional Club On-Sale and Sunday On-Sale Liquor License Renewal* and H.2. *Authorize Staff to send Grant Request Letter*, and noted that items G.1 *Oath of Office*, F.5. *Presentation - Yellow Ribbon Community / Beyond the Yellow Ribbon Support Network* would be taken out of order to accommodate those who were at the meeting, and also noted that item J.5. *Purchase Agreement - Tsadkane Mariam Ethiopian Orthodox Tewahedo Church* would be pulled from the agenda.

The motion was made by Council Member Ernst, seconded by Council Member Oberloh and unanimously carried to close / approve the agenda with the requested changes.

PUBLIC MEETING - STORM WATER POLLUTION PREVENTION PLAN

Pursuant to published notice, this was the time and date set for a public meeting regarding the City's Storm Water Pollution Prevention plan.

Dwayne Haffield, Director of Engineering, provided an overview of the NPDES program and a review of the City's required Storm Water Pollution Prevention Plan. The City is regulated under Phase II of the federal program to reduce pollution from Municipal Separate Storm Sewer Systems (MS4s). Regulated cities need to be covered under a statewide NPDES permit, which requires the City to develop a Storm Water Pollution Prevention Plan and then to implement it. The Plan includes the following six mandatory minimum control measures:

- Public Education and Outreach
- Public Involvement and Participation
- Illicit Discharge Detection and Elimination
- Construction Site Storm Water Runoff Control
- Post-Construction Storm Water Management
- Pollution Prevention / Good Housekeeping for Municipal Operations

Mr. Haffield said the City conducts an annual public meeting to allow public comment on our plan, which satisfies the Public Involvement and Participation control measure. A copy of the SWPPP, in the form of the application for NPDES permit coverage, is available for review at the office of the City Engineer and on the City's website. A new permit is expected to be issued this year. Mr. Haffield also noted that we recently had an audit and it was found that some things did not transfer over into our storm water ordinance so there will be an update coming forward for that.

Following the overview and Council comments, Mayor Kuhle asked if there was anyone in attendance who wished to offer comment on the plan. No comments were received.

INTRODUCTION AND OATH OF NEW OFFICER - MADISON STEARNS

Troy Appel, Public Safety Director, introduced new Police Officer Madison Stearns to City Council. Officer Stearns is from Luverne and has recently completed her field training exercises and is working full shifts. Following administering of the Police Officer Oath to Officer Stearns by the City Clerk, Council offered their congratulations.

PRESENTATION - YELLOW RIBBON COMMUNITY / BEYOND THE YELLOW RIBBON SUPPORT NETWORK

A Steering Committee made up of members from across the community has been working on getting Worthington established as a Yellow Ribbon Community, part of which is establishing a Beyond the Yellow Ribbon Support Network for Soldiers, Veterans, and their families in their times of need. The plan requires participation by various sectors of the community, including City leadership, veteran and civic organizations, social and medical, public safety, business, faith based, and education, and the Yellow Ribbon Steering Committee.

Mike Windsperger, Yellow Ribbon Regional Outreach Coordinator - central MN, was at the meeting to present information on what it means to be a Yellow Ribbon Community with a Beyond the Yellow Ribbon Support Network. He also provided information on the process of how a request for support is handled, noting the requests are received by their organization and then distributed to various family assistance offices. If the request is something that can't be met by those offices, such as lawn mowing or babysitting, or potentially small financial assistance if the group determines to do that, the Yellow Ribbon Organization then notifies the local support group. Mayor Kuhle stated

he had attended the kick off meeting for the committee at the college a couple of weeks ago, and said it was important that the group have the support of the Council and the City.

The motion was made by Council Member Oberloh, seconded by Council Member Cummings and unanimously carried that a resolution of supporting the effort will be adopted. Staff will bring a resolution forward at the next meeting.

CONSENT AGENDA APPROVED

The motion was made by Council Member Ernst, seconded by Council Member Harmon and unanimously carried to approve the consent agenda as follows:

- City Council Minutes of Regular Meeting May 28, 2019
- Minutes of Boards and Commissions - Water and Light Commission Minutes of May 20, 2019; NEON Committee Minutes of May 2, 2019; Worthington Area Convention and Visitors Bureau Minutes of May 2, 2019; Center for Active Living Committee Minutes of April 8, 2019; Planning Commission / Board of Appeals Minutes of June 4, 2019
- Application for Temporary On-Sale Liquor License - Nobles County Fair Association
- Application for Exemption from Lawful Gambling Permit - King Turkey Day, Inc.
- Application for Parade Permit or to Block Street(s) - Worthington Area Chamber of Commerce Agribusiness Committee Farm to Table Event
- Application for Temporary On-Sale Liquor License - Worthington Area Chamber of Commerce
- Application for Parade Permit or to Block Street(s) - Worthington Area Chamber of Commerce - Crazy Days
- Application for Parade Permit or to Block Street - UCFW Local 663 / St. Mary's Church
- 2019-2020 On-Sale Liquor, Wine, and Club On-Sale License Renewals, and Sunday On-Sale Liquor License Renewals
- Bills payable and totaling \$1,167,053.85 be ordered paid

THIRD READING AND ORDINANCE NO. 1138 ADOPTED VACATING A PORTION OF NINTH STREET

Pursuant to published notice, this was the time and date for the third reading of a proposed ordinance that would vacate a part of Ninth Street in the City of Worthington, Nobles County, Minnesota as follows:

Section I.

That part of Ninth Street lying between Block 8 and Block 9, Plat of Worthington, Nobles County, Minnesota described as follows is hereby vacated:

Beginning at the most westerly corner of Lot 19, Block 8 of said Plat of Worthington; thence southeasterly along the southwesterly line of said Lot 19 to the most southerly corner of said Lot 19; thence southwesterly along a southwesterly extension of the southeasterly line of said Lot 19 a distance of .67 feet; thence northwesterly along a line parallel with the southwesterly line of said Lot 19 to the southwesterly extension of the northwesterly line of said Lot 19; thence northeasterly a distance of .67 feet to the point of beginning.

The vacation was requested by petition, and will allow the adjacent building wall to be extended to allow for required building insulation.

Staff also recommended that Council authorize the Mayor and Clerk to execute a quitclaim deed conveying the City's interest in that portion of 9th Street being vacated to the abutting owner. The description of the property is to be as described in the proposed ordinance and the grantee is to be the specific party currently owning Lots 18 and 19 and the southwest one half of the alley between Lots 17 and 18, all in Block 8, Plat of Worthington.

The motion was made by Council Member Ernst, seconded by Council Member Harmon and with Council Member Oberloh abstaining from the vote as a property owner, was unanimously carried to give a third reading to, and subsequently adopt the following ordinance, and to authorize the Mayor and Clerk to execute the quitclaim deed:

ORDINANCE NO. 1138

AN ORDINANCE TO VACATE PART OF NINTH STREET IN THE CITY OF WORTHINGTON, NOBLES COUNTY, MINNESOTA

(Refer to Ordinance File for complete copy of Ordinance)

SECOND READING PROPOSED ORDINANCE TO VACATE PART OF EIGHTH STREET IN THE CITY OF WORTHINGTON, NOBLES COUNTY, MINNESOTA

Pursuant to published notice, this was the time and date set for the second reading of a proposed ordinance that would vacate a part of Eighth Street legally described as follows:

That part of former Eighth Street as platted in Lake Shore Park Subdivision, City of Worthington, Nobles County, Minnesota, described as follows is hereby vacated:

Beginning at the most south corner of Common Interest Community Number 12, Lake Shore Park Condominium, according to the recorded plat thereof; thence on an assumed bearing of North 42 degrees 09 minutes 12 seconds

West, along the southwesterly line of said plat, a distance of 148.00 feet to an iron monument; thence southeasterly, along a non-tangential curve, concave to the southwest, having a radius of 345.50 feet, a central angle of 25 degrees 38 minutes 40 seconds, the chord of said curve bears South 27 degrees 01 minutes 34 seconds East, a chord distance of 153.35 feet, an arc distance of 154.64 feet to an iron monument located on the southwesterly extension of the southeasterly line of said Common Interest Community Number 12; thence North 47 degrees 47 minutes 18 seconds East, along said southwesterly extension, a distance of 40.02 feet to the point of beginning.

The City received a petition for the vacation, which petition satisfies the requirements of Section 4.14 of the Worthington City Charter for vacation of a street. If approved, the vacation would allow for a deck addition on one of the properties there.

The motion was made by Council Member Cummings, seconded by Council Member Harmon and unanimously carried to give a second reading to the proposed ordinance.

SECOND READING PROPOSED ORDINANCE - CHANGE OF ZONE - CERTAIN PROPERTY LOCATED ALONG SOUTH CRAILSHEIM ROAD SOUTH OF SUTHERLAND DRIVE

Pursuant to published notice, this was the time and date set for the second reading of a proposed ordinance - change of zone - for certain property located along South Crailsheim Road south of Sutherland Drive from its current "R-1" - One Family Detached designation to "R-2" - One Family, Low Density as follows:

The following described property, presently included in the "R-1" district, shall henceforth be included in the "R-2" district:

That part of the South Half of the Northeast Quarter and the North Half of the Southeast Quarter of Section 28, Township 102 North, Range 40 West, City of Worthington, Nobles County, Minnesota, described as follows:

Beginning at the southeast corner of Glenwood Heights First Addition, according to the recorded plat thereof; thence on an assumed bearing of South 89 degrees 37 minutes 02 seconds West, along the south line of said Glenwood Heights First Addition, a distance of 330.01 feet to the southwest corner of said Glenwood Heights First Addition; thence continuing South 89 degrees 37 minutes 02 seconds West a distance of 107.17 feet to; thence South 0 degrees 24 minutes West a distance of 120.01 feet; thence continuing South 0 degrees 24 minutes West a distance of 671.74 feet; thence North 89

degrees 37 minutes 02 seconds East a distance of 443.18 feet located on the west right of way line of County State Aid Highway No. 10; thence North 0 degrees 02 minutes 04 seconds West, along said west right of way line, a distance of 791.70 feet to the point of beginning.

Rezoning of the property will allow for single family homes to be physically attached to each other providing they have a horizontal orientation and the density does not exceed six (6) units per acre of land, which also applies to detached forms of housing.

The motion was made by Council Member Oberloh, seconded by Council Member Cummings and unanimously carried to give a second reading to the proposed ordinance.

SECOND READING PROPOSED ORDINANCE - CHANGE OF ZONE - CERTAIN PROPERTY SOUTH OF INTERSTATE 90 AND NORTH OF DARLING DRIVE FROM AN EXTENSION OF GRAND AVENUE HEADING NORTH TO PROPERTY OWNED BY WORTHINGTON CHRISTIAN SCHOOL

Pursuant to published notice, this was the time and date set for the second reading of a proposed ordinance to rezone certain property south of Interstate 90 and north of Darling Drive from an extension of Grand Avenue heading north to property owned by Worthington Christian School as follows:

The following legally described area, presently included in the "R-4" district, shall henceforth be included in the "B-3" district:

That part of the Northeast Quarter of the Southwest Quarter of Section 13, Township 102 North, Range 40 West, City of Worthington, Nobles County, Minnesota, described as follows:

Commencing at the Northwest corner of the plat of Northland Park Second Addition, according to the recorded plat thereof; thence on an assumed bearing of North 89 degrees 09 minutes 44 seconds West, along the south line of a tract as recorded in Document No. 260443, a distance of 155.00 feet to the Southwest corner of said tract; thence continuing North 89 degrees 09 minutes 44 seconds West a distance of 500.18 feet to the east line of a tract as recorded in Document No. 285896; thence North 0 degrees 00 minutes 30 seconds East, along said east line, a distance of 243.82 feet to the south line of a tract as recorded in Document No. 260600; thence South 89 degrees 01 minutes 16 seconds East, along said south line, a distance of 158.32 feet to the Southeast corner of said tract, said Southeast corner being the point of beginning of the tract to be described; thence North 0 degrees 00 minutes 30

seconds East, along the east line of said tract, a distance of 437.57 feet to the Northeast corner of said tract located on the southerly right of way line of Interstate Highway No. 90; thence South 89 degrees 09 minutes 45 seconds East, along said southerly right of way line, a distance of 342.23 feet to the Northwest corner of said tract as recorded in Document No. 260443; thence South 0 degrees 02 minutes 22 seconds West, along the westerly line of said tract, a distance of 438.36 feet; thence North 89 degrees 01 minutes 47 seconds West, along said westerly line, a distance of 135.00 feet; thence continuing North 89 degrees 01 minutes 47 seconds West a distance 207.01 feet to the point of beginning.

The rezoning would permit a proposed approximately 28,000 square foot spec building.

The motion was made by Council Member Ernst, seconded by Council Member Harmon and unanimously carried to give a second reading to the proposed ordinance.

LOCAL OPTION SALES TAX PHASE I PROJECTS

Steve Robinson, City Administrator, said the City's proposed half-cent sales tax has been passed by the Legislature and signed into law by Governor Walz. The tax will be in place for 15 years or until collection has reached \$25 million, whichever occurs first. The tax is planned to initiate January 1, 2020. Mr. Robinson said to ensure that the bonds are bank qualified, the City limits bonding to \$10 million a year. Staff was proposing phased approach to the projects approved by the voters at the November 2018 general election, and submitted the following project list, estimated budget and schedule for Council's consideration for the initial phase of the sales tax projects:

2019 - 2020 Projects

-Improvements to the Field House	\$3,000,000
-Park and Recreation Capital Projects and Improvements	\$200,000
• Centennial Park Pedestrian Bridge	
-Improvements to the Outdoor Aquatic Center	\$4,500,000
-Improvements to 10 th Street Plaza	\$1,000,000
-Park and Recreation Capital Projects and Improvements	\$1,300,000
• Centennial Park Shelter: (\$450,000)	
• Buss Field Restrooms: (\$300,000)	
• Slater Park Restroom and Shelter: (\$300,000)	
• Pleasant Park Tennis Court Re-surfacing: (\$80,000)	
• Ludlow Park Amphitheater Parking Lot: (\$120,000)	
• Sunset Park Boat Landing Improvements (\$50,000)	

Bonds will likely be issued in 2020 with the first payment due in 2021 - funding for projects initiated prior to issuance of the bonds will be funded through reserves, which would then be reimbursed from bond issues / sales tax collections.

The motion was made by Council Member Harmon, seconded by Council Member Ernst and unanimously carried to approve the Phase I projects, schedule and estimated budgets.

CENTER FOR ACTIVE LIVING ADJUSTMENT TO BY-LAWS/MEETING SCHEDULE APPROVED

The Center for Active Living Committee was requesting that Council approve a change in their By-Laws regarding their required monthly meetings to move to a schedule that would instead require them to meet every other month, with the potential for no meetings in January, February or March to accommodate schedules of the board members.

The motion was made by Council Member Oberloh, seconded by Council Member Cummings and unanimously carried to approve the request.

SUMMARY OF PERFORMANCE EVALUATION - CITY ADMINISTRATOR

At their May 28, 2019 regular meeting, Council went into closed session under Minn. Stat. 13D.05 for a performance evaluation of City Administrator Steve Robinson. As required by that statute, Mayor Kuhle provided a summary of the performance evaluation noting that it was satisfactory.

RESOLUTION NO. 2019-06-24 ADOPTED ACCEPTING PROGRAM FUNDS - SOLID ROCK ASSEMBLY

Troy Appel, Public Safety Director, said Solid Rock Assembly had donated \$500 to the Worthington Police Department to enhance the Department's Blue in the Schools and Community programs. The funds will be used to purchase items such as books, pencils and sporting equipment the officers can utilize and distribute while interacting with local youth. Minn. Stat. 465.03 requires that the acceptance of any donation be by resolution and approved by a two-thirds majority vote of the Governing Board.

The motion was made by Council Member Cummings, seconded by Council Member Harmon and unanimously carried to adopt the following resolution accepting the funds:

RESOLUTION NO. 2019-06-24

A RESOLUTION ACCEPTING THE DONATION OF FUNDS

(Refer to Resolution File for complete copy of Resolution)

2019 ADDITIONAL DOCK APPLICATION APPROVED

The following additional application for a permit to install a private dock on public property has been received:

916 West Lake Avenue Clarence Kremer

Todd Wietzema, Public Works Director, said the application meets all the requirements of our Dock Policy.

The motion was made by Council Member Ernst, seconded by Council Member Harmon and unanimously carried to approve the dock permit application submitted by Clarence Kremer.

AUTHORIZATION FOR GRANT REQUEST LETTER

Todd Wietzema, Public Works Director, noted that City Staff had been contacted by the Minnesota Department of Transportation Aeronautics division asking if we would be interested in receiving a grant to replace a 56' x 20' hangar at the Worthington Municipal Airport. The State has additional grant dollars available for this fiscal year, which ends July 1, 2019, and is looking for projects that could be approved in a short time frame. The grant would pay for 70% of the \$41,555 project, or \$29,088.50. The project total includes service fees of \$3,000 from Bolton and Menk, the City's Engineering Consultant for the airport. The project was scheduled in our CIP for 2020 but was not included in the State DOT accepted projects for 2020. Mr. Wietzema said Staff was proposing to use reserves for the City's portion of the project, which is \$12,466, and to replenish those reserves in the 2020 budget. Staff was requesting Council authorization to issue a letter requesting the grant

The motion was made by Council Member Cummings, seconded by Council Member Ernst and unanimously carried to authorize Staff to send the Grant Request letter and to enter into an agreement with Bolton and Menk for professional services.

CONTRACT AWARD - HOMEWOOD HILLS STREET IMPROVEMENTS

The following bids were received June 7, 2019 for the Homewood Hills Street Improvements project:

	<u>Engineer's Estimate</u>	<u>Hulstein Exc. Inc.</u>	<u>McCuen Constr. Inc.</u>
Total Schedules 1 & 2	\$3,363,396.23	\$2,931,526.75	\$3,199,640.00

The project is the improvement of various streets in Homewood Hills as approved at the April 10, 2019 improvement hearing. Staff was recommending award of the bid to Hulstein Excavating, Inc. as the low qualified bidder in the amount of \$2,931,526.75.

The motion was made by Council Member Oberloh, seconded by Council Member Harmon and unanimously carried to award the contract for 2019 Homewood Hills Streets Improvement project to Hulstein, Excavating, Inc. as the low qualified bidder in the amount of \$2,931,526.75.

AWARD OF BID FOR 2019 SEAL COATING PROJECT

The following bids were received on June 7, 2019 for the 2019 Seal Coating project:

<u>Engineer's Estimate</u>	<u>Pearson Brothers, Inc.</u>	<u>Asphalt Surface Tech, Inc.</u>	<u>Allied Blacktop Co.</u>
\$91,148.15	\$65,485.77	\$67,925.75	\$71,969.00

The project includes seal coating all the streets resurfaced in the northeast portion of the community in 2018 and McMillan Street north of Oxford Street. Staff was recommending award of the bid to Pearson Brothers, Inc. of Hanover, MN as the low qualified bidder in the amount of \$65,485.77.

The motion was made by Council Member Cummings, seconded by Council Member Ernst and unanimously carried to award the bid to Pearson Brothers, Inc. of Hanover, MN as the low qualified bidder in the amount of \$65,485.77.

RESOLUTION NO. 2019-06-25 ADOPTED RECEIVING REPORT AND ORDERING HEARING FOR EAST AVENUE SEWER EXTENSION PROJECT

Staff presented a feasibility report on the East Avenue Sewer Extension prepared by Midwest Engineering pursuant to Council action on May 13, 2019. The extension is to serve property immediately south of East Avenue and west of C.S.A.H. 5, and to allow for development of residential lots. Dwayne Haffield, Director of Engineering, said the next step would be for Council to order a hearing on the improvement project at the next regular Council meeting.

The motion was made by Council Member Cummings, seconded by Council Member Harmon and unanimously carried to adopt the following resolution receiving the feasibility report and ordering a public hearing to be held on the project at 7:00 p.m. on Monday, June 24, 2019 at the regular City Council meeting:

RESOLUTION NO. 2019-06-25

RECEIVING REPORT AND CALLING FOR HEARING ON PROPOSED IMPROVEMENT

(Refer to Resolution File for complete copy of Resolution)

RESOLUTION NO. 2019-06-26 ADOPTED APPROVING PLANS FOR 2019 BITUMINOUS IMPROVEMENTS PROJECT

Dwayne Haffield, Director of Engineering, said the 2019 Bituminous Improvements project includes the improvement of East Avenue from C.S.A.H. to the east as approved at the March 25, 2019 improvement hearing. That work is to be completed on or before October 4th.

The project also includes the overlay of Lake Avenue from Tower Street to 8th Street, which includes removal of the existing overlay, placement of a 1.5 inch overlay, and replacement of all curb ramps along the project. The work will commence after July 25th, which is the end of the band season, and be completed before September 6, 2019. The total estimated cost of the project including engineering and contingencies is \$330,000, to be funded from the Construction Fund 401.

The motion was made by Council Member Cummings, seconded by Council Member Ernst and unanimously carried to approve the plans and authorize advertise for bids to be received on July 8, 2019 and considered for award at the Council meeting that evening, and to adopt the following resolution approving the East Avenue improvement:

RESOLUTION NO. 2019-06-26

APPROVING PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BIDS

(Refer to Resolution File for complete copy of Resolution)

PLANS APPROVED FOR REPLACEMENT OF CENTENNIAL PARK PEDESTRIAN BRIDGE

Plans for the Centennial Park Pedestrian Bridge have been completed by SEH. Construction may begin anytime after August 1st, however, the bridge is not expected to be fabricated until late in the year for placement in the winter. The specified substantial completion date is February 1, 2020, with turf restoration completed early next summer.

Dwayne Haffield, Director of Engineering, said current pricing indicates that the total project budget needs to be increased from \$180,000 to \$200,000, which includes construction, engineering and contingencies.

The motion was made by Council Member Oberloh, seconded by Council Member Harmon and unanimously carried to approve the plans for replacement of the Centennial Park Pedestrian Bridge.

FIRST READING PROPOSED ORDINANCE CHANGE OF ZONE - CERTAIN PROPERTY SOUTH OF 704 OXFORD STREET

Staff presented a proposed ordinance that would rezone certain property south of 704 Oxford Street. Jason Brisson, Director of Community Development, Planning, Zoning and Building Services, said Arnold Motors had submitted a petition to rezone property they own south of 704 Oxford Street from its current "R-3" - Low Density Preservation Residential District designation to "B-3" - General Commercial. Approval of the change of zone would allow them to develop a parking lot on the subject property for customers of the commercial business on the abutting property to the north. The property is legally described as follows:

Lot 4, Block 1, Apel-Chermak Subdivision, City of Worthington, Nobles County, Minnesota.

The Planning Commission considered the request at their June 4, 2019 meeting, and after holding public hearing, voted 3-2 to recommend Council approval of the rezoning. Mr. Brisson said some Planning Commission members had expressed concern about commercial zoning creeping into the residential neighborhood. In response to the public input received at that hearing, Arnold Motors indicated they would install a 4 to 5 foot screening. Council Member Oberloh said his recollection was that the City's Comprehensive Plan addressed this type of situation and would allow the rezoning to happen.

The motion was made by Council Member Cummings, seconded by Council Member Ernst and unanimously carried to give a first reading to the proposed ordinance.

FIRST READING PROPOSED ORDINANCE CHANGE OF ZONE - CERTAIN PROPERTY EAST OF A SOUTHERLY EXTENSION OF KNOLLWOOD DRIVE SOUTH OF FIRST AVENUE SOUTHWEST

Staff presented a proposed ordinance that would rezone certain property east of a southerly extension of Knollwood Drive south of First Avenue Southwest. Jason Brisson, Director of Community Development, Planning, Zoning and Building Services, said South Lake Development had submitted a petition to rezone the property from its current "R-1" - One Family Detached Residential District designation to "PUD" - Planned Unit Development. The PUD would permit the land use of town house and twin family residential uses. The property is legally described as:

Lot 1, Block 1, South Lake Subdivision, inclusive of Common Interest Community No. 26, No. 26-A, No. 26-B, South Lake Condominium, all in the City of

Worthington, Nobles County, Minnesota

The Planning Commission considered the request at their June 4, 2019 meeting, and after holding a public hearing voted unanimously to recommend Council approval of the proposed change of zone, subject to additional PUD requirements as provided for in the City Zoning Code.

The motion was made by Council Member Oberloh, seconded by Council Member Ernst and unanimously carried to give a first reading to the proposed ordinance.

CONDITIONAL USE PERMIT APPROVED - CITY OF WORTHINGTON

The City of Worthington submitted a request for a conditional use permit for certain property lying south of Interstate 90, north of an easterly extension of Darling Drive, and between lines being approximately 160 feet and 500 feet east of a northerly extension of the east line of Grand Avenue owned by Kelly Properties of Worthington, Inc. Jason Brisson, Director of Community Development, Planning, Zoning and Building Services said the CUP would allow for the development and operation of an approximate 28,000 square foot commercial movie theater. The property is currently zoned "R-4" - Medium Density Residential. Land use of theater is not permitted in the "R-4" zoning district. The land use would be permitted in the "B-3" - General Business district with the issuance of the conditional use permit. The subject property is legally described as:

That part of the Northeast Quarter of the Southwest Quarter of Section 13, Township 102 North, Range 40 West, City of Worthington, Nobles County, Minnesota, described as follows:

Commencing at the Northwest corner of the plat of Northland Park Second Addition, according to the recorded plat thereof; thence on an assumed bearing of North 89 degrees 09 minutes 44 seconds West, along the south line of a tract as recorded in Document No. 260443, a distance of 155.00 feet to the Southwest corner of said tract; thence continuing North 89 degrees 09 minutes 44 seconds West a distance of 500.18 feet to the east line of a tract as recorded in Document No. 285896; thence North 0 degrees 00 minutes 30 seconds East, along said east line, a distance of 243.82 feet to the south line of a tract as recorded in Document No. 260600; thence South 89 degrees 01 minutes 16 seconds East, along said south line, a distance of 158.32 feet to the Southeast corner of said tract, said Southeast corner being the point of beginning of the tract to be described; thence North 0 degrees 00 minutes 30 seconds East, along the east line of said tract, a distance of 437.57 feet to the Northeast corner of said tract located on the southerly right of way line of Interstate Highway No. 90; thence South 89 degrees 09 minutes 45 seconds East, along said southerly right of way line, a distance of 342.23 feet to the Northwest corner of said tract as recorded in Document No. 260443; thence South 0 degrees 02 minutes 22

seconds West, along the westerly line of said tract, a distance of 438.36 feet; thence North 89 degrees 01 minutes 47 seconds West, along said westerly line, a distance of 135.00 feet; thence continuing North 89 degrees 01 minutes 47 seconds West a distance 207.01 feet to the point of beginning.

The Planning Commission considered the application at their June 4, 2019 meeting, and after holding a public hearing, voted unanimously to recommend Council approval of the conditional use permit subject to the following conditions:

1. A change of zone of the subject property from its current zoning designation to a "B-3" - General Business zoning designation;
2. The subject property is subdivided from the larger parcel on which it is currently located;
3. The development be completed in accordance with the submitted site plan; and
4. The development maintain compliance with all applicable local, State and Federal requirements.

Mr. Brisson said that the City has done what they can to minimize the impact on the residential neighborhood abutting the property, and that the plan includes an obscuring green belt between the proposed building and the apartments there. Steve Robinson, City Administrator, said we would work with the developer who owns the property to the south with his development plans. Mr. Brisson also noted that approval of the conditional use permit would require a 2/3 majority vote by Council.

The motion was made by Council Member Harmon, seconded by Council Member Oberloh and unanimously carried to approve the conditional use permit as requested.

CONDITIONAL USE PERMIT APPROVED - TSADKANE MARIAM ETHIOPIAN ORTHODOX TEWAHEDO CHURCH

The Tsadkane Mariam Ethiopian Orthodox Tewaahedo Church has submitted a request for a conditional use permit (CUP) for certain property owned by the City of Worthington south of the east/west segment of West Gateway Drive east of the north/south segment of West Gateway Drive to construct and operate an approximately 7,000 square foot church. The land use of a church is permitted within the "B-3" district, which is the current zoning of the subject property, with a CUP. The property is legally described as:

That part of Government Lot 4 of Section 26, Township 102, North, Range 40 West, City of Worthington, Nobles County, Minnesota, described as follows:

Commencing at the Center of said Section 26; thence on an assumed bearing of North 0 degrees 21 minutes 04 seconds West, along the west line of said

Government Lot 4, a distance of 280.36 feet; thence North 89 degrees 38 minutes 56 seconds East a distance of 50.00 feet to an iron monument located on the east right of way line of County State Aid Highway No. 57, said iron monument being the point of beginning of the tract to be described; thence North 0 degrees 21 minutes 04 seconds West, along said east right of way line, a distance of 256.24 feet to an iron monument; thence North 89 degrees 38 minutes 56 seconds East a distance of 680.00 feet to an iron monument; thence South 0 degrees 21 minutes 04 seconds East a distance of 256.24 feet to an iron monument; thence South 89 degrees 38 minutes 56 seconds West a distance of 680.00 feet to the point of beginning, containing 4.00 acres, SUBJECT TO a utility easement over the north 55 feet thereof, and subject to any other easements now of record in said county and state.

The Planning Commission considered the application at their June 4, 2019 meeting, and after holding a public hearing, voted unanimously to recommend Council approval of the conditional use permit subject to the following conditions:

1. The subject property is subdivided from the larger parcel on which it is currently located;
2. The development be completed in accordance with the submitted site plan;
3. The development maintain compliance with all applicable local, State and Federal requirements;
4. A new conditional use permit be required for the proposed expansion shown on the submitted site plan; and
5. The applicant secures a driveway permit from the County Engineer for the proposed drive illustrated on the site plan.

Jason Brisson, Director of Community Development, Planning, Zoning and Building Services, noted that a 2/3's majority vote would be required by Council to approve the CUP.

The motion was made by Council Member Oberloh, seconded by Council Member Cummings and unanimously carried to approve the Conditional Use Permit for Tsadkane Mariam Ethiopian Orthodox Tewahedo Church as requested.

RESOLUTION NO. 2019-06-27 ADOPTED RATIFYING INTENT TO HOLD PUBLIC HEARING FOR AUTHORIZATION TO ISSUE SENIOR HOUSING REVENUE REFUNDING NOTE - MEADOWS OF WORTHINGTON LLC, - ECUMEN

Meadows of Worthington, LLC a Minnesota limited liability company operating under the corporate umbrella of Ecumen, a Minnesota based non-profit organization, had requested that the City of Worthington issue a tax-exempt Revenue Refunding Note not to exceed \$6,200,000. It is anticipated that approximately \$5,555,000 will be used to refinance the revenue bonds issued in 2014 to refinance bonds originally issued in 2009, and approximately \$445,000 will be used to make physical

improvements to the north building of the Worthington campus. At their May 28, 2019 meeting, Council voted to proceed with scheduling a public hearing for 7:00 p.m. on June 24, 2019 at the regular City Council meeting for authorizing the issuance of the note.

The motion was made by Council Member Oberloh, seconded by Council Member Harmon and unanimously carried to adopt the following resolution ratifying intent to hold a public hearing for authorization to issue the note:

RESOLUTION NO. 2019-06-27

RESOLUTION RATIFYING THE SCHEDULING OF A PUBLIC HEARING ON A PROPOSAL TO AMEND A HOUSING PROGRAM FOR, AND THE ISSUANCE OF, A HOUSING AND HEALTHCARE REVENUE REFUNDING NOTE (MEADOWS OF WORTHINGTON PROJECT) SERIES 2019 PURSUANT TO MINNESOTA STATUTES, CHAPTER 462C, AND RATIFYING AND AFFIRMING THE PUBLICATION OF A NOTICE OF THE HEARING

(Refer to Resolution File for complete copy of Resolution)

HOTEL THOMPSON

At their May 28, 2019 meeting, Council requested Staff to bring a progress update regarding the Thompson Hotel to the June 10, 2019 regular City Council meeting. Jason Brisson, Director of Community Development, Planning, Zoning and Building Services, said that two parties have submitted offers on the facility - one has been declined and the other accepted by the receiver company. The proposal accepted by the receiver would require a substantial investment by the City of Worthington and would take longer to complete. Staff said Council needs to determine if we move forward with the roof repair or work something out with the developer. Council Member Oberloh asked if the developer wants City participation, wouldn't the roof repair count as that? Steve Robinson, City Administrator, said that proposal requires extensive City participation and at this point we're not even sure we can do it, and we don't know why the other offer, which required far less participation by the City, was rejected. We also don't know why the receiver would grant clear title to the offer they accepted but not on the proposal they rejected.

Following discussion, it was agreed that we wait two more weeks and try to have a work session on this issue prior to the next meeting. Staff will get an estimate on a time frame for replacement of the roof.

COUNCIL COMMITTEE REPORTS

Mayor Kuhle - Attended a meeting at the hospital today with Sanford management people from here and from Sioux Falls. One thing that stuck out was the number of OB cases per year - over 400.

Council Member Janssen - absent.

Council Member Oberloh - Attended the same meeting at the hospital - it's an ever-changing scene with healthcare - getting people in and out quicker, which affects reimbursements. Future plans are very refreshing.

Council Member Cummings - Also attended that meeting - same observations. Wanted to commend the Worthington Windsurfing Regatta Board of Directors for a fabulous event in the community.

Council Member Ernst - no report.

Council Member Harmon - CAL Committee met earlier today - They think Mary is doing a great job - they've identified a need to add a part-time person there. She and Andy would like to be part of our budgeting process by coming to Council to give a presentation.

CITY ADMINISTRATOR'S REPORT

Steve Robinson, City Administrator, reported that we have hired a City Planner who will start either June 27th or July 1st, who is coming here June 24th from Spokane, Washington - his wife has just been hired as a math teacher at the middle school. We are posting job openings for the Assistant City Administrator and the Human Resources Assistant and the City Clerk - those postings went out today. The Assistant City Administrator and HR are seven-day internal postings, while the City Clerk will be a full three week posting - internal and external. The Engineering CAD/GIS person will also be starting so we are about full here. We have a plan that would add three offices at the Public Works building on the upper level as needed. City Staff will be working on that and storage space out there this winter.

ADJOURNMENT

The motion was made by Council Member Cummings, seconded by Council Member Ernst and unanimously carried to adjourn the meeting at 8:40 p.m.

Janice Oberloh, MCMC
City Clerk